

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

IN THE MATTER OF THE SEARCH
OF:

A white Chevrolet Traverse LT,
VIN 2GNLVFED2AJ206078,
registered to Dustin Sierra and last
seen displaying South Dakota license
plate 65F 691.

Case No. _____

REDACTED

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

113(a)(6) and 1153; and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153.

2. The information set forth below is based upon my knowledge of an investigation conducted by the Federal Bureau of Investigation (FBI), the Bureau of Indian Affairs (BIA), the Oglala Sioux Tribe Department of Public Safety (OST DPS), the Rapid City Police Department (RCPD), and other law enforcement agencies. I have not included each and every fact obtained pursuant to this investigation, but have set forth the facts I believe are essential to establish the necessary probable cause for the issuance of the search warrant.

3. I make this affidavit in support of an application for a search warrant for the search and seizure of property described herein as a white Chevrolet Traverse LT, VIN 2GNLVFED2AJ206078, registered to Dustin Sierra, last observed at Dustin Sierra's residence at [REDACTED] in Oglala, South Dakota, and last known to display South Dakota license plate 65F 691, for evidence of crimes including but not limited to Kidnapping, in violation of 18 U.S.C. §§ 1201 and 1153; Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 113(a)(6) and 1153; and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is

sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

5. On or about July 14, 2019, the Rapid City Police Department took a missing person report from Victoria Habben, who reported her friend Esther Wolfe was missing. Esther Wolfe had last been seen on July 13, 2019, at the Hilton Garden Inn, in Rapid City, South Dakota. Ms. Habben had concerns due to her knowledge Esther was previously the victim of domestic violence in her relationship with Jesse Sierra.

6. Your affiant is aware Esther Wolfe and Jesse Sierra shared an intimate dating relationship in which Esther previously suffered domestic abuse at Jesse Sierra's hands.

7. Efforts by the RCPD included interviews of Esther Wolfe's friends who advised Esther Wolfe knew Jesse Sierra was being released from jail in Colorado and was afraid of Jesse Sierra's return to Rapid City.

8. OST DPS located a blue Chevrolet Avalanche was located at Michael Sierra, Sr.'s residence in Oglala, South Dakota. Michael Sierra, Sr., is Jesse Sierra's father. The RCPD believed the blue Chevrolet Avalanche was linked with Esther Wolfe's disappearance. The vehicle is registered to Robert Little. Robert Little said the vehicle had previously been his, but he gave it to Mike Sierra in exchange for helping Robert Little get the vehicle out of an impound lot. Robert Little said Esther Wolfe and Jesse Sierra previously used the blue Chevrolet

Avalanche and Esther continued driving it while Jesse Sierra was incarcerated in Colorado.

9. On July 17, 2019, RCPD received a phone call from Esther Wolfe. Esther said she was en route to Chadron, Nebraska, with her fiancée. She denied being in danger. Esther placed the call from a phone number belonging to Louella Youngman.

10. On July 18, 2019, RCPD Sergeant Christopher Hunt called the same phone number Esther used to call RCPD the previous day. Louella Youngman, Jesse Sierra's mother, answered Sgt. Hunt's call. Louella Youngman confirmed Jesse Sierra and Esther Wolfe had previously been at her property, but said they went to Chadron with an unknown individual in an unknown vehicle.

11. On July 18, 2019, RCPD made contact with Michael Sierra, Jr., a brother of Jesse Sierra. Michael Sierra, Jr., denied Jesse Sierra and Esther Wolfe visited his home in Chadron, Nebraska. He advised the last person Jesse Sierra and Esther Wolfe were with was Dustin Sierra. Dustin Sierra lives in Oglala, South Dakota, in the Lakeside Community.

12. Esther Wolfe remained missing from July 13, 2019, until she was recovered at the hospital in Chadron, Nebraska, on July 21, 2019. She presented to the emergency department with severe bruising to her face and body. She suffered broken ribs. Both of Esther's eyes were swollen, and her sclera were bright red and inflamed. She exhibited bruising to her neck and collar. She was released

from the hospital late on July 21, 2019, with instructions to care for her injuries. Prior to her release, she submitted to a Sexual Assault Nurse Examination (SANE).

13. On July 22, 2019, law enforcement officers interviewed Esther Wolfe. Esther Wolfe advised she first saw Jesse Sierra on July 13, 2019. She advised Jesse came to the Hilton Garden Inn during her work shift. He persisted in asking when she would be free from work. Esther Wolfe advised Jesse Sierra exposed his penis to her in an elevator and told her, "You know you want this." He advised her he would not leave.

14. Jesse Sierra convinced Esther Wolfe he merely wanted to share a meal with her. She conceded and agreed to eat with him at the Golden Corral restaurant in Rapid City. Dustin Sierra was also present at the Golden Corral restaurant with Jesse and Esther. Surveillance footage obtained from the Golden Corral restaurant shows a white, four-door SUV similar in shape and size to a Chevrolet Traverse driving in the parking area of the Golden Corral.

15. After the meal they went to the 24/7 Program in Rapid City. Jesse Sierra offered to give Esther a ride from the 24/7 Program with his brother, Dustin Sierra, in what Esther believed was a white Chevrolet Traverse. Esther got in the white vehicle with Dustin Sierra, Jesse Sierra, and Dustin Sierra's 5 year-old child. Dustin Sierra drove the vehicle.

16. As Dustin Sierra drove, he headed in a direction away from Esther's anticipated destination. Esther Wolfe asked Jesse Sierra where they were going. Jesse Sierra placed his arm around her throat and told her they were going to the

reservation. She attempted to open the door and flee the moving vehicle, but Jesse Sierra prevented her flight. Dustin Sierra did not stop the vehicle or otherwise aid Esther Wolfe.

17. In Dustin Sierra's vehicle, Jesse Sierra repeatedly strangled Esther Wolfe to unconsciousness. Jesse continued strangling her every time she regained consciousness until they arrived to the Pine Ridge Reservation. Dustin Sierra did not assist Esther nor did he stop the vehicle to allow her to exit.

18. Esther Wolfe advised she was not free to leave at this time, and she was not permitted to leave at any time. She advised that occasionally Jesse Sierra said he would give her "a chance to walk away alive." She advised Dustin Sierra would not assist during Jesse's assault, despite her cries to Dustin for help.

19. Esther Wolfe advised she was initially taken to Oglala, South Dakota, by Dustin Sierra and Jesse Sierra, to Dustin Sierra's residence for a night. That night, Jesse Sierra forcibly sexually assaulted Esther Wolfe. She advised Jesse Sierra repeatedly struck her in the face and kicked her. She lost consciousness multiple times through the evening while being assaulted by Jesse Sierra and lost control of her bladder twice in the bed where she was being held. She believes she heard Jesse and Dustin Sierra say law enforcement was next door, but she did not see law enforcement officers.

20. Around this time, Esther Wolfe said she was "tested" by Jesse and Dustin Sierra. Jesse and Dustin Sierra told Esther law enforcement was in front of the residence. Esther fled out the back door and ran to the front, but the only

person there was Jesse Sierra. Jesse Sierra sat in the blue Chevrolet Avalanche waiting for her. He asked her if she wanted him to “sit years,” which your affiant believes is a reference to the jail sentence he believed he would receive regarding his kidnapping of Esther Wolfe. He also made a comment about killing her for failing this “test.” Esther Wolfe advised Jesse Sierra placed her in the blue Chevrolet Avalanche.

21. While in the blue Chevrolet Avalanche, Esther Wolfe spit blood from the assault into tissues or napkins in the vehicle. Law enforcement’s subsequent search of the vehicle revealed what appeared to be blood stains in the blue Chevrolet Avalanche and on tissues inside the vehicle.

22. Jesse Sierra took Esther Wolfe in the blue Chevrolet Avalanche to Mike Sierra’s residence, where she was held by Jesse Sierra in a camper located on the property. There, Jesse Sierra assaulted her to the point that both of her eyes were swollen shut. Jesse Sierra also sexually assaulted her during in the camper. Jesse Sierra bound her wrists with Christmas lights and placed her in a storage box inside the camper. Jesse Sierra confined her in the space by nailing the lid shut. Esther broke a plywood board in this confined space, trying to breathe.

23. Esther Wolfe advised she believed her blue work smock and her black size 6 Converse shoes may still be in the camper. When law enforcement officers subsequently searched the camper, they located a black Converse shoe, a blue work smock, and the storage box, which appeared to contain blood stains and a broken plywood board. It appeared the lid had previously been nailed shut.

24. When Jesse Sierra let Esther out of the storage box, he asked her, "Are you ready to die?" Jesse Sierra forced Esther Wolfe to walk through the garden on Mike Sierra's property in Oglala, South Dakota. Jesse Sierra dug a shallow grave and forced Esther to get into the grave. Jesse Sierra advised her that he did not have to kill her yet, that the two could work it out, and that she must call law enforcement and advise them that she was not missing nor was she in danger. Esther Wolfe confirmed that she in fact called RCPD dispatch following this event and reported her status as being safe and not missing.

25. Esther Wolfe said at some point after leaving Dustin Sierra's residence, Jesse Sierra brought her to a blue abandoned building near Louella Youngman's residence. Esther Wolfe indicated Louella Youngman had seen them and knew where she was. Esther Wolfe advised she had her niece's phone at this abandoned residence. She placed the phone in the trash. She described the phone as a black Android phone with an Apple sticker on the back. There was no phone number associated with this cell phone. When Esther spoke with police, she believed the phone was likely still in the abandoned residence. When law enforcement officers subsequently searched the blue building, they located a black Android cell phone with an Apple sticker on the back inside a plastic bag of garbage.

26. Esther Wolfe confirmed her call to RCPD dispatch was placed from Louella Youngman's phone. Esther Wolfe said Dustin Sierra picked them Jesse Sierra and her from Louella Youngman's residence. The three were on their way

to Chadron, Nebraska, when she placed the call. Jesse Sierra and Esther proceeded to the residence of Michael Sierra, Jr., a brother to Jesse and Dustin. Along the way, Jesse Sierra told her if she made “all this go away” he would “make her life better.” Jesse Sierra pressured her to tell law enforcement she received her injuries by being “ganged” by a group of men. Your affiant knows that to be “ganged” is colloquial term for being assaulted.

27. Esther Wolfe and Jesse Sierra arrived in Crawford, Nebraska, where an individual named “Franklin” got them a motel room. Michael Sierra, Jr., dropped them off at the motel in Crawford. At the motel, Jesse did not physically assault her. Esther advised that Jesse Sierra wanted her to heal so she could speak to law enforcement about “being ganged.” Jesse Sierra did sexually assault her multiple times in the motel room. She indicated during these sexual assaults she did not try to fight him off anymore because it was “too hard.”

28. Esther said Michael Sierra, Jr., and Jesse Sierra dropped her off at the Chadron hospital due to the extent of her injuries. Esther Wolfe contacted her family of her whereabouts and alerted medical personnel to her situation. Esther’s medical records confirm she appeared at the Chadron hospital on July 21, 2019.

29. Your affiant knows Jesse Sierra and Dustin Sierra are enrolled members of the Oglala Sioux Tribe.

30. On or about July 25, 2019, law enforcement officers searched the residence of Dustin Sierra, located at [REDACTED] in Oglala, South Dakota, pursuant to a federal search warrant. On that date, a white Chevrolet Traverse

LT displaying South Dakota license plate 65F 691 was parked outside the residence. The white Chevrolet Traverse LT appears to be the same or similar to the vehicle observed on surveillance footage outside the Golden Corral restaurant and the 24/7 Program in Rapid City, South Dakota, on July 13, 2019.

31. Your affiant is aware that DNA evidence could be obtained by an analysis of surfaces and items inside the white Chevrolet Traverse LT.

CONCLUSION


32. Based on the forgoing, I request that the Court issue the proposed search warrant.

33. I request that the Court order sealing this affidavit, application, and search warrant until further order of the Court. The documents filed in the case discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Moreover, there is a legitimate concern that relatives of Jesse Sierra and Dustin Sierra could destroy evidence if alerted to the existence of this affidavit and application for search warrant. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

34. Based on the foregoing, I submit there is probable cause to believe that evidence of a crime and DNA evidence of the victim, Esther Wolfe, may be found in a white Chevrolet Traverse LT, VIN 2GNLVFED2AJ206078, registered

to and driven by Dustin Sierra during the relevant time frame. I submit there is probable cause to believe that offenses including but not limited to Kidnapping, in violation of 18 U.S.C. §§ 1201 and 1153; Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 113(a)(6) and 1153; and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153, have occurred and that evidence of these offenses is likely to be discovered from the white Chevrolet Traverse LT described herein. I therefore request a search warrant be issued authorizing the search and seizure of the item described in Attachment A.

Dated: 8/27/19



Stephen Beery
Special Agent,
Federal Bureau of Investigation

SUBSCRIBED and SWORN via reliable electronic communication
this 27th day of August, 2019.



DANETA WOLLMANN
United States Magistrate Judge

**ATTACHMENT A
ITEMS TO BE SEIZED**

1. A white Chevrolet Traverse LT, VIN 2GNLVFED2AJ206078, registered to Dustin Sierra, last observed at Dustin Sierra's residence at [REDACTED] in Oglala, South Dakota, and last known to display South Dakota license plate 65F 691. See attached photographs.

ATTACHMENT B







